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In re Application of

**Federal Communications Commission
Office of the Secretary**

File No. BPET-881012KE

For construction permit for a
new noncommercial educational
television station to operate
on Channel *39 in Bakersfield,
California

**MOTION FOR LEAVE TO FILE
OPPOSITION TO INFORMAL OBJECTIONS**

COMINT's Objections to the grant of CTSC's application consists of allegations regarding CTSC's operation of noncommercial educational television Station KCET, Los Angeles, California, and COMINT incorporated by reference its Informal Objections ("Informal Objections") to the grant of CTSC's application for renewal of KCET's license (File No. BRET-880728KF), and its Reply to CTSC's Opposition to the Informal Objections.

Since CTSC had responded to that Informal Objection by showing that COMINT's claims were late and meritless, it did not believe it was necessary to burden the Commission with additional pleadings in this proceeding. However, CTSC subsequently concluded, for the reasons set forth in its March 26, 1991 Motion for Leave to File Supplement to Opposition to Informal Complaint (the "Motion for Leave"), to submit a response to COMINT's claims. Since the two COMINT pleadings are interrelated, CTSC seeks leave to respond to COMINT's Objection in this proceeding as well.^{1/}

Consideration of the attached Opposition will serve the public interest for reasons similar to those set out in the Motion for Leave. First, as shown in the Opposition, COMINT's Objections to CTSC's Channel *39 application fail, as a matter of law, to state specific and material facts sufficient to warrant any Commission investigation or other responsive action. Thus, consideration of the Opposition will limit the possibility of additional, needless, and costly proceedings. Second, if the Commission finds it necessary to evaluate COMINT's allegations, consideration of the Opposition will assist that task by giving the Commission a complete factual record in response to COMINT's speculations. Third, the Opposition sets forth the sensitive

^{1/} CTSC will not repeat that discussion; rather, it

First Amendment issues which COMINT charges has raised, and thus should assist the Commission in addressing those claims.

CTSC is aware of the requirement set out in Section 1.45 of the Commission's Rules that oppositions to petitions, notices and requests are to be filed within 10 days of the filing of the petition. As indicated above, CTSC did not intend to file an Opposition, but rather planned to rely on its response to COMINT's Informal Objections. After CTSC subsequently decided that it had to supplement its Opposition in the Los Angeles renewal proceeding, it took a substantial amount of time for CTSC's counsel to collect and present in a concise form, a detailed factual response to COMINT's allegations. CTSC asserts that these circumstances warrant the Commission's acceptance of the attached Opposition. See, Riverside T.V., Inc., 12 FCC 2d 120, 122 (1968)(Opposition accepted over seven months after petition filed, and after three months of preparation by counsel).


Moreover, since the Objection reiterates matters which CTSC has addressed in response to COMINT's challenge to its Los Angeles renewal application, consideration of the Opposition will not unfairly prejudice COMINT. Indeed, grant of this Motion will avoid needless litigation.^{2/} Accordingly, there is good cause for the Commission's

^{2/} COMINT should not be heard to complain about the delay in filing this Opposition given that its Informal Objection was filed about six months after the time for filing petitions to deny.

acceptance and consideration of the attached Opposition to
Informal Objections.

WHEREFORE, CTSC requests leave to file the attached
Opposition to COMINT's Informal Complaint.

Respectfully submitted,



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Dated: March 27, 1991

CERTIFICATE OF SERVICE

I, Debra J. Jacobson, hereby certify that I have on this 27th day of March, 1991, caused copies of the foregoing "Motion for Leave to File Opposition to Informal Objections" to be served by first-class U.S. mail, postage prepaid, upon the following:

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